

REMARKS/ARGUMENTS

The Office Action mailed February 20, 2009 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The application originally contained claims 1-93. Applicants elected claims 1, 9, 20, 26, 50 and 61 in response to the restriction requirement. Claims 2-8, 10-19, 21-25, 27-49, 51-60, and 62-93 stand withdrawn. Claims 9, 26, 50 and 61 are cancelled. Claims 1 and 20 are allowed.

Restriction Requirement

In numbered paragraph 1 on page 3 of the Office Action mailed February 20, 2009 the followings statements were made:

“Applicant's election without traverse of Species V in the reply filed on January 24, 2008 is acknowledged. In the response submitted July 28, 2008, applicants have amended claim I to recite that the magnetic pieces as being Ni-Zn-Fe-O magnetic material. In view of this amendment, the Examiner now considers that claim 1 is included in the elected claims directed to the Ni-Zn-Fe-O embodiment. Accordingly, the Examiner now considers that claims 1, 9, 20, 26, 50 and 61 read on a shape memory material body comprising a Ni-Zn-Fe-O powder. Applicants in their next response should indicate any additional claims from among product claims 1 to 82 they consider to be encompassed by the elected claims 1, 9, 20, 26, 50 and 61. Applicants are requested to refrain from merely stating that all of claims 1 to 82 now read on the elected Ni-Zn-Fe-O embodiment, but rather are requested to list only those claims that are truly encompassed by the Ni-Zn-Fe-O embodiment. Further, in listing the claims, applicants are requested to make certain that the listed claims do not include duplicate claims or claims that do not further limit the parent claims. For example, compare the limitations of claims 31 and 1, claim 40 and 1, 43 and 2, 44 and 4, 46 and 5, etc.”

Applicants have reviewed claims 1-93 and determined there are no additional claims among product claims 1 to 82 that Applicants consider to be encompassed by the elected claims 1, 9, 20, 26, 50 and 61.

Claims 1 and 20 Allowed

On page 1 of the Office Action mailed February 20, 2009 claims 1 and 20 were allowed. Applicants appreciate this allowance of claims 1 and 20.

Rejected Claims 9, 26, 50 and 61 Cancelled

In numbered paragraph 4 on pages 4 and 5 of the Office Action mailed February 20, 2009 claims 9, 26, 50 and 61 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 9, 26, 50 and 61 have been cancelled.

Application is Condition for Allowance

Applicants believe that the application is now in condition for allowance.

SUMMARY

The undersigned respectfully submits that in view of the foregoing amendments and the foregoing remarks; all issues raised in the Office Action dated February 20, 2009 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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